



JPW


DOCKET NO.: C1037.70039US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Davis et al.
Serial No.: 10/816,220
Confirmation No.: 8632
Filed: April 1, 2004
For: IMMUNOSTIMULATORY NUCLEIC ACID OIL-IN-WATER
FORMULATIONS AND RELATED METHODS OF USE
Examiner: Not Yet Assigned
Art Unit: 1653

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21st day of June, 2005.


Emily E. Zukauskas

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,
Davis et al., Applicant

By:



Maria A. Trevisan, Reg. No.: 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1037.70039US01
Date: June 21, 2005
xNDDx



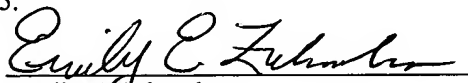
DOCKET NO.: C1037.70039US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Davis et al.
Serial No.: 10/816,220
Confirmation No.: 8632
Filed: April 1, 2004
For: IMMUNOSTIMULATORY NUCLEIC ACID OIL-IN-WATER
FORMULATIONS AND RELATED METHODS OF USE
Examiner: Not Yet Assigned
Art Unit: 1653

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 21st day of June, 2005.


Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
*C1037.70035US01	10/532,746	April 26, 2005	Ahluwalia et al.
*C1037.70047US01	11/099,683	April 4, 2005	Krieg et al.
*C1039.70049US01	11/110,189	April 19, 2005	Krieg et al.
*C1039.70060US01	11/127,654	May 12, 2005	Krieg et al.
*C1039.70077US01	11/071,836	March 3, 2005	Krieg
*C1039.70083US12	11/128,127	May 11, 2005	Krieg et al.
*C1039.70083US13	11/127,797	May 11, 2005	Krieg et al.
*C1039.70083US14	11/127,803	May 11, 2005	Krieg et al.
*C1041.70016US02	11/084,777	March 18, 2005	Bauer et al.

*a copy of this reference is not provided as the Office hereby waives the requirement under 37 CFR 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application filed after June 30, 2003 and for applications filed before June 30, 2003, or that entered the national stage before June 30, 2003, if they are scanned to Image File Wrapper system and are available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

Serial No.: 10/816,220
Conf. No.: 8632

- 3 -

Art Unit: 1653

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

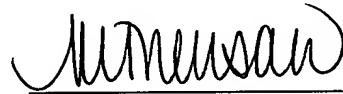
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

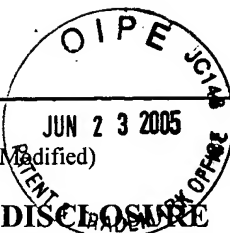
Respectfully submitted,
Davis et al., Applicant

By:



Maria A. Trevisan, Reg. No. 48,207
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: C1037.70039US01
Date: June 21, 2005
xNDDx

<div style="text-align: center;">  <p>FORM PTO-1449/A and B (Modified)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> </div>		APPLICATION NO.: 10/816,220	ATTY. DOCKET NO.: C1037.70039US01
		FILING DATE: April 1, 2004	CONFIRMATION NO.: 8632
		APPLICANT: Davis et al.	
		GROUP ART UNIT: 1653	EXAMINER: Not Yet Assigned
Sheet	1	of	1

U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A194	6,558,670	B1	Friede et al.	05-06-2003
	A195	6,835,395	B1	Semple et al.	12-28-2004
	A196	2004-0038922	A1	Haensler et al.	02-26-2004

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C350	SJOLANDER et al., Kinetics, localization and isotype profile of antibody responses to immune stimulating complexes (Iscoms) containing human influenza virus envelope glycoproteins. Scand J Immunol. 1996 Feb;43(2):164-72.	

EXAMINER:	DATE CONSIDERED:
-----------	------------------

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]